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THE CITY OF NEW YORK
LAW DEPARTMENT

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January 23, 2008

By Fax: (212) 805-7912

Hon. John G. Koeltl

United States District Judge

United States Courthouse

500 Pearl St., Room 1030

New York, NY 10007

*Defendant's time to
respond to outstanding discovery
requests extended to 2/1/08.
So ordered.*

Re: Medrano, et ano v. The City of New York, et al., 07 CV 7026 (JGK)

Your Honor:

1/23/08 JGK

I am the Assistant Corporation Counsel representing defendant The City of New York (the "City") in the referenced civil rights action. I am writing in opposition to plaintiff's motion of even date seeking an order to compel responses to his discovery demands.

Defendant has not responded to plaintiff's demands because it is still awaiting the final Civilian Complaint Review Board ("CCRB") report on the underlying incident. This report is responsive to many of plaintiff's discovery demands and will contain all the documents related to this incident. I have been informed by the CCRB last week that a final report has been completed and that a copy of the report, together with all accompanying audiotapes of testimony, will be sent to me shortly. I anticipate receiving a report by the end of the week, at which time defendant can fully respond to plaintiff's demands. I have been keeping plaintiff's counsel apprised of the situation. Last week I sent counsel an email informing him of the CCRB findings, and that I should shortly be receiving a copy of the report at which time I could fully respond to his demands.

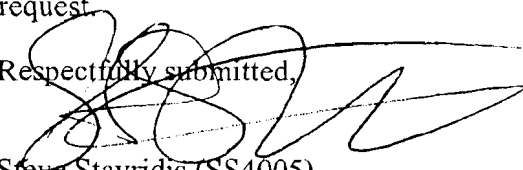
An additional factor that should be considered is that the parties have been engaged in settlement discussions in the interim. Plaintiff has made a settlement demand, and a counter offer will be submitted upon evaluation of the CCRB report. Needless to say, if this matter could be settled, it would be preferable to do so before discovery so as to avoid the time and expense of answering discovery demands.

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Based on the foregoing, it is respectfully requested that the Court allow defendant until February 1, 2008 to respond to plaintiff's outstanding discovery demands. This will allow time for the receipt of the CCRB report and exploration of settlement options. Plaintiff will not be prejudiced by this extension as the discovery deadline in this case is set for May 23, 2008, which permits plaintiff ample time to conduct any additional discovery he may desire.

I thank the Court for its consideration to this request.

Respectfully submitted,


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Special Federal Litigation Division

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Attorney for Plaintiffs